

David Earl Honig  
Attorney at Law  
3636 - 16th Street N.W.  
Suite B-366  
Washington, D.C. 20010

Telephone (202) 332-7005  
Telecopier (202) 332-7511

Licensed in D.C. only

March 8, 1999

Hon. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th St. S.W.  
Washington, D.C. 20554

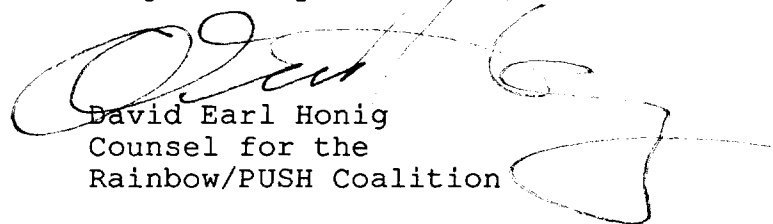
Dear Ms. Salas:

RE: KWMU-FM, St. Louis, MO (BRH-960930WI)

The attached letter was filed today in the EEO rulemaking proceeding. Because it discusses misconduct in a pleading filed with the full Commission, it should be considered in the adjudication as well.

The University's behavior is not normal advocacy. The University has crossed the line and made deliberate misleading statements of fact with the intention of securing a regulatory advantage. By its behavior, the University has shown, as it has repeatedly, that it well deserves to have its renewal application designated for hearing.

Respectfully submitted,

  
David Earl Honig  
Counsel for the  
Rainbow/PUSH Coalition

Attachment

cc: Roy Stewart, Esq.  
Y. Paulette Laden, Esq.  
Kathryn Schmeltzer, Esq.

/dh

No. of Copies rec'd 044  
List ABCDE

David Earl Honig  
Attorney at Law  
3636 - 16th Street N.W.  
Suite B-366  
Washington, D.C. 20010

RECEIVED

12  
FCC

Telephone (202) 332-7005  
Telecopier (202) 332-7511

Licensed in D.C. only

March 8, 1999

Hon. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th St. S.W.  
Washington, D.C. 20554

Dear Ms. Salas:

RE: EEO Rules and Policies (MM Dockets 98-204/and 96-16)

On March 1, 1999, The Curators of the University of Missouri filed Comments in the above-referenced proceeding and corrected them on March 4, 1999. The University used those comments, which it filed on each commissioner, to address a pending adversarial adjudication -- its own application for license renewal of station KWMU-FM, St. Louis, Missouri, File No. BRH-960930WI.

As it has often done in the adjudicative proceeding, the University's papers have shamefully attempted to mislead the FCC. The University's Comments state:

Station KWMU (FM), St. Louis, Missouri, licensed to The Curators, has seen its 1996 license renewal application delayed for more than two years because of a complaint filed by the Rainbow/PUSH Coalition which repeats allegations of discrimination that a former part-time employee of the station lost in federal court many years ago. After losing her case in the local district court, this individual did not appeal. The Curators believe that it is unfair for the FCC to permit a broadcaster to be exposed to enormous legal expenses and permit the licensee to be held hostage for years based on complaints that were heard and found to be groundless in a federal court of competent jurisdiction.

Comments at 10. Actually, only part of the allegations of one individual, Winnie Sullivan, were heard by a federal judge. The remaining race discrimination allegations of that person, and all of the race discrimination allegations made by Rainbow/PUSH by or on behalf of over a dozen other named African American individuals have never been considered by a federal court -- as the University well knows. Indeed, approximately half of the contested events occurred after the court case ended.

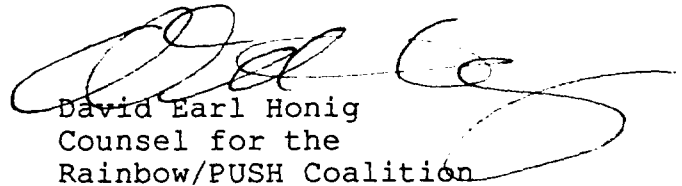
Hon. Magalie Roman Salas  
March 8, 1999  
Page Two.

The University also did not tell you that it had gamed the FCC's (former) EEO rules by hiring minorities only for license renewal purposes, then firing them soon afterward. Nor did the University mention that it repeatedly failed to report discrimination charges against it, even though one of these was hotly litigated in federal court. The University did not mention that it had dissembled in its explanations for these material and self-serving omissions. Finally, the University did not mention that other courts have found it guilty of employment discrimination.

It is unfortunate that a respected institution would tarnish its good name with this kind of misconduct. The Commission should take note of this in considering whether to attach any value at all to the University's ill-considered rulemaking comments.

This episode underscores precisely why the FCC needs to enforce its nondiscrimination rules.

Respectfully submitted,



David Earl Honig  
Counsel for the  
Rainbow/PUSH Coalition

cc: Hon. William Kennard  
Hon. Susan Ness  
Hon. Michael Powell  
Hon. Gloria Tristani  
Hon. Harold Furchtgott-Roth  
Kathryn Schmeltzer, Esq.

/dh